

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ABC Corporation I. et al,
Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A”,

Defendants.

CASE NO. 1:20-cv-04806

Judge: Thomas M. Durkin

**DEFENDANT GYROOR’S OPPOSITION TO PLAINTIFFS’
MOTION TO DISMISS COUNTERCLAIM OF GYROOR**

Defendant Gyroor, by and through counsel, files this Response in Opposition to Plaintiffs’ motion to dismiss counterclaim Count II of Defendant Gyroor [Dkt. No. 481].

Background

On November 12, 2021, Plaintiffs filed a motion to dismiss Defendant’s counterclaim Count II under Rule 12(b)(6) and for failing to satisfy pleading standard under Rule 8.

On December 3, 2021, Defendant duly amended its pleadings pursuant to Federal Rules of Civil Procedure 15(a)(1)(B) [Dkt. No. 486].

Legal Standards

“It is well established that an amended complaint ordinarily supersedes the original and renders it of no legal effect.” *Pressley v. Brownfield*, 1997 U.S. App. LEXIS 15438, at*4 (7th Cir. 1997) (quoting *Prymer v. Ogden*, 29 F.3d 1208, 1215 n.6 (7th Cir. 1994)).

After a party properly amended its pleadings, a district court can either deny the pending motion to dismiss as moot or consider the merits of the motion in light of the facts alleged in the amended pleadings. *See Pettaway v. Nat’l Recovery Sols., LLC*, 955 F.3d 299, 303 (2d Cir. 2020).

Arguments

Defendant has amended its counterclaims, which includes specific facts and legal analysis. In addition, Defendant states “in short and plain terms its defenses to each claim asserted against it” as required under Rule 8(b)(1)(A).

Therefore, the basis for Plaintiffs’ motion to dismiss Defendant’s counterclaim Count II under Rule 12(b)(6) and for failing to satisfy the pleading standards under Rule 8 have been cured by Defendant’s amended pleadings.

Conclusion

For the foregoing reasons, Defendant respectfully requests the Court to deny Plaintiff’s motion to dismiss as moot.

Date: 12/03/2021

/s/ Tianyu Ju

Tianyu Ju, Esq.
GLACIER LAW PLLC
200 E. Randolph Dr., Ste. 5100
Chicago, IL 60601
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this December 3, 2021, I electronically filed the foregoing file with the Clerk of Court using the CM/ECF system, and service was perfected on all counsel of record and interested parties through this system, which will deliver a true and correct copy of the foregoing documents via CM/ECF.

Date: 12/03/2021

/s/ Tianyu Ju